

REMARKS

In the non-final Office Action, dated September 15, 2004, the Examiner objects to claims 7 and 8 as containing allowable subject matter, and rejects claims 1-6 and 9-68 under 35 U.S.C. § 103(a) as unpatentable over HOFFMAN et al. (U.S. Patent No. 6,397,198) in view of FROMM (U.S. Patent No. 6,266,640). Applicants respectfully traverse this rejection. Claims 1-68 remain pending.

Applicants note with appreciation the indication that claims 7 and 8 would be allowable if rewritten in independent form to include all the features of the base claim and any intervening claims.

Claims 1-6 and 9-68 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over HOFFMAN et al. in view of FROMM. Applicants respectfully traverse this rejection.

Independent claim 1 is directed to a computerized method for authenticating an electronic transaction between a user and a computer, where the computer is configured to conduct electronic transactions. The method includes receiving a computer-generated transaction identifier from the computer via an electronic data link; receiving a user-spoken transaction identifier and a user-spoken verification identifier transmitted by the user via a voice connection; comparing the user-spoken transaction identifier with the computer transaction identifier; comparing the user-spoken verification identifier with a voice print of the user; and transmitting an authentication message to the computer if the user-spoken transaction identifier matches the computer-generated transaction identifier and if the user-spoken verification identifier matches the voice print. HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, HOFFMAN et al. and FROMM do not disclose receiving a user-spoken transaction identifier transmitted by the user via a voice connection, as required by claim 1. The Examiner admits that HOFFMAN et al. does not disclose this feature and relies on FROMM for allegedly disclosing "a technique for verifying a user's voice prior or the user's identity by use of a voice print before allowing the user to engage in commercial transactions" and points to the Abstract, col. 1, lines 55-76, col. 3, lines 1-52, and col. 4, lines 26-49, of FROMM for support (Office Action, pg. 3). Applicants submit that these sections of FROMM do not disclose or suggest receiving a user-spoken transaction identifier transmitted by the user via a voice connection, as required by claim 1.

In the Abstract, FROMM discloses:

A technique for verifying a user's voice prior to permitting the user to conduct a business transaction over a data network. An order is received via the data network, and a voice verification unit is contacted to (i) access a prestored voice print, (ii) obtain a present voice sample from the consumer desiring the transaction and compare said present voice sample to the prestored voice sample, and (iii) issue a signal indicating whether the voice correctly verifies.

This section of FROMM discloses that a voice sample may be obtained from a customer wanting to conduct a business transaction and compared to a pre-stored voice sample. This section of FROMM in no way discloses or suggests, however, that the voice sample includes a user-spoken transaction identifier, as required by claim 1.

At col. 1, line 55, to col. 2, line 2, FROMM discloses:

The above and other problems of the prior art are overcome in accordance with the present invention which relates to a technique of verifying the user's identity by use of a voice print before allowing the user to engage in commercial transactions over the data network. In accordance with one embodiment of the invention, a voice verification unit is connected to the data network. The user's ID is ascertained by means of, for example, his data network address, and his stored voice print is retrieved from a voice print bank. The user is then asked to speak a

few words, in order to verify the user's identity. The verification of the user's speech pattern may take place with the aid of a separate telephone call initiated by either the voice verification unit or the user's computer and/or telephone, or by the computer accepting and processing the transaction.

This section of FROMM discloses that a user's identity may be verified by obtaining a voice print from the user in response to the user being asked to speak a few words. This section of FROMM in no way discloses or suggests that the user is asked to speak a transaction identifier. Therefore, this section of FROMM does not disclose or suggest receiving a user-spoken transaction identifier transmitted by the user via a voice connection, as required by claim 1.

At col. 3, lines 1-52, FROMM discloses that a user could be prompted to input his voice print by playing a message, such as "Please speak the following words into your computer's microphone ..." or "Please speak your password into your computer's microphone." This section of FROMM in no way discloses or suggests that the voice print includes a user-spoken transaction identifier, as required by claim 1.

At col. 4, lines 26-49, FROMM discloses:

Alternatively, rather than having the voice sample taken at computer 105c, computer 105c could transmit the message to computer 105a while at the same time transmitting, via data network 109, the transaction ID to the voice verification unit 103. The voice verification unit 103 would then receive the toll free telephone call, or may receive the voice sample from the data network 101, from the user. Of course, the voice verification unit 103 could place the call as well. Voice verification unit 103 may then verify the voice received. Voice verification unit 103 could then send the approval with the transaction ID or data network logical address back to computer 105c.

In any of the above cases, subsequent to the voice sample being received from the consumer, block 205 transmits the appropriate information from computer 105c to voice verification unit 103. The information may include the transaction entered by the user during a telephone call, as well as the voice sample. Alternatively, if the voice sample was received directly at the voice verification unit 103, then the record would include only the transaction ID so that the voice verification unit

could match the transaction ID received from the user with that generated by computer 105c.

This section of FROMM may disclose a transaction identifier (ID). This section of FROMM, however, in no way discloses or suggests that the transaction identifier is received as a user-spoken transaction identifier, as required by claim 1.

In stark contrast, FROMM specifically discloses that the user "enters" the transaction identifier - see, for example, col. 4, lines 11-15, of FROMM that discloses:

A message would be sent to the user's terminal, stating something such as "Please call 1-800-123-4567. Enter transaction ID ABCD, and speak your password . . . "
The 800 number connects the consumer's telephone to computer 105c.

This section of FROMM distinguishes how the user's password is received as opposed to how the transaction identifier is received. Clearly, this section of FROMM does not disclose or suggest that the transaction identifier is received by a user speaking the transaction identifier. Therefore, FROMM does not disclose or suggest receiving a user-spoken transaction identifier transmitted by the user via a voice connection, as required by claim 1.

Since HOFFMAN et al. and FROMM do not disclose receiving a user-spoken transaction identifier transmitted by the user via a voice connection, HOFFMAN et al. and FROMM cannot disclose comparing the user-spoken transaction identifier with the computer transaction identifier, as also required by claim 1.

For at least the foregoing reasons, Applicants submit that claim 1 is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Claims 2-6 and 9-25 depend from claim 1. Therefore, Applicants submit that these claims are patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover,

these claims recite additional features not disclosed or suggested by the combination of HOFFMAN et al. and FROMM.

For example, claim 14 recites that the user conducts the electronic transaction by communicating with a bank teller. With respect to this feature, the Examiner alleges that "Hoffman discloses the claimed method wherein the user conducts the electronic transaction using an ATM machine" (Office Action, pg. 4). The Examiner's allegation, regardless of its veracity, in no way addresses the feature recited in Applicants' claim 14. Accordingly, a *prima facie* basis for denying patentability has not been established with respect to claim 14. Applicants request that the Examiner specifically point out where the feature of Applicants' claim 14 is disclosed in the art of record or withdraw the rejection.

For at least this additional reason, Applicants submit that claim 14 is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Claim 16 recites that the user conducts the electronic transaction using a wireless device. The Examiner continues to ignore this feature in the Office Action. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 16. Applicants request that the Examiner specifically point out where the feature of Applicants' claim 16 is disclosed in the art of record or withdraw the rejection.

For at least these additional reasons, Applicants submit that claim 16 is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Claim 17 recites that the user conducts the electronic transaction using a hand-held device. The Examiner did not specifically address this feature in the Office Action. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim

17. Applicants request that the Examiner specifically point out where the feature of Applicants' claim 17 is disclosed in the art of record or withdraw the rejection.

For at least these additional reasons, Applicants submit that claim 17 is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Claim 19 recites receiving at least one user-spoken command for controlling web-site navigation, where the at least one user-spoken command is transmitted by the user via a telephonic voice connection; converting the at least one user-spoken command into at least one computer-readable command; transmitting the at least one computer-readable command to the computer; and executing the at least one computer-readable command, using the computer, whereby the user controls web-site navigation of the Internet web-site by voice command via the telephonic voice connection. HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination, do not disclose or suggest these features.

The Examiner did not address these features in the Office Action. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 19. Applicants request that the Examiner specifically point out where the features of Applicants' claim 19 is disclosed in the art of record or withdraw the rejection.

For at least these additional reasons, Applicants submit that claim 19 is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Independent claim 27 recites features similar to features discussed above with respect to claim 1. For example, claim 27 recites that the voice browser is programmed to compare a user-spoken transaction identifier to a computer-generated transaction identifier. For reasons similar to reasons given above with respect to claim 1, Applicants submit that claim 27 is patentable

over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Claims 28-62 depend from claim 27. Therefore, these claims are patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 27. Moreover, these claims are patentable over HOFFMAN et al. and FROMM for reasons of their own.

For example, the Examiner did not address the features recited in claims 28-50, 54-60, and 62. Accordingly, a *prima facie* case of obviousness has not been established with respect to claims 28-50, 54-60, and 62. Applicants request that the Examiner specifically point out where the features of Applicants' claims 28-50, 54-60, and 62 are disclosed in the art of record or withdraw the rejection.

For at least these additional reasons, Applicants submit that claims 28-50, 54-60, and 62 are patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Independent claim 63 recites features similar to features discussed above with respect to claim 1. For example, claim 63 recites receiving a transaction identifier from the computer via an electronic data link in response to performing the electronic transaction, receiving a user-spoken transaction identifier, and comparing the user-spoken transaction identifier with the computer transaction identifier. For reasons similar to reasons given above with respect to claim 1, Applicants submit that claim 63 is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination.

Claim 64 depends from claim 63. Therefore, this claim is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination, for at least the reasons

given above with respect to claim 63.

Independent claim 65 recites features similar to features discussed above with respect to claim 1. For example, claim 65 recites conducting a transaction between the user computer and the web-site, where the web-site transmits a transaction identifier to the user computer and the authentication system in response to the transaction; and receiving a user-spoken transaction identifier and a user-spoken verification identifier via a telephonic connection, where the authentication system is programmed to compare the user-spoken transaction identifier to the transaction identifier and the user-spoken verification identifier to the pre-registered voice print. For reasons similar to reasons given above with respect to claim 1, Applicants submit that claim 65 is patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination. Moreover, claim 65 recites features similar to features recited in claim 19. Therefore, Applicants submit that claim 65 is further patentable over HOFFMAN et al. and FROMM for reasons similar to reasons given above with respect to claim 19.

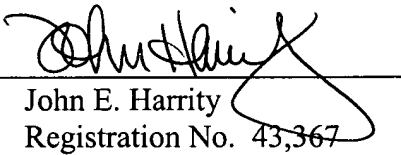
Claims 66-68 depend from claim 65. Therefore, these claims are patentable over HOFFMAN et al. and FROMM, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 65.

In view of the foregoing remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,

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